

**THIRTIETH DAY**  
(Tuesday, March 17, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by President Pro Tempore Parker.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Glasgow, Sarpalius.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Father, today let us look through Your eyes to see the good which comes from trials and difficulties. Grant that strength and understanding may come out of conflict and that we may give genuine thanks for those who help us to persevere. In Thy Son's name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVES OF ABSENCE**

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Sarpalius was granted leave of absence for today on account of illness on motion of Senator Sims.

**GUESTS PRESENTED**

Senator Jones was recognized and introduced the Capitol Physician for the Day, Dr. Charles W. Fuller of Coleman.

Dr. Fuller, accompanied by his daughter, Eileen, was welcomed by the Senate and received an expression of appreciation for his services.

**REPORTS OF STANDING COMMITTEES**

Senator Parmer submitted the following report for the Committee on Intergovernmental Relations:

**C.S.S.B. 326**

Senator Farabee submitted the following report for the Committee on State Affairs:

**S.B. 892**  
**S.B. 895**  
**S.B. 888**  
**S.B. 894**  
**S.B. 896 (Amended)**

Senator Jones submitted the following report for the Committee on Finance:

**H.B. 2 (Amended)**

**SENATE BILLS AND RESOLUTION ON FIRST READING**

By unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

**S.C.R. 69** by Barrientos Education  
Requesting that the State Board of Education amend the Central Education Agency rules relating to aides being supervised by certified special education teachers.

**S.B. 1227** by Santiesteban State Affairs  
Relating to the creation of a minibar permit for hotels which have an existing mixed beverage permit, entitling hotels to offer alcoholic beverages for sale from guest room minibars.

**S.B. 1228** by Santiesteban Natural Resources  
Relating to the sale of Indian arts and crafts and turquoise; providing a civil penalty.

**S.B. 1229** by Santiesteban Economic Development  
Relating to the regulation of certain insurance agents who engage in the bail bond business; providing penalties.

**S.B. 1230** by Santiesteban Criminal Justice  
Relating to the representation on a county bail bond board of a county judge through a designee.

**S.B. 1231** by Santiesteban Criminal Justice  
Relating to the execution of a capias when bond is forfeited; and declaring an emergency.

**S.B. 1232** by Santiesteban Intergovernmental Relations  
Relating to the use by a county of occupancy tax funds.

**S.B. 1233** by Santiesteban Criminal Justice  
Relating to the liability of a surety on an appearance bond in a criminal case; providing for means of surrendering the defendant by the surety; and declaring an emergency.

**S.B. 1234** by Santiesteban Criminal Justice  
Relating to the causes which will exonerate; relating to the time passage necessary for certain judgments to become final; relating to the remittitur of a bond and the release from liability for the bond if the defendant dies, is arrested or appears before a final judgement of forfeiture of the bond.

**S.B. 1235** by Santiesteban Criminal Justice  
Relating to the liability of surety on an appearance bond in a criminal case, and providing for surrender of the principal by the surety and providing for terms of default; and declaring an emergency.

**S.B. 1236** by Santiesteban Criminal Justice  
Relating to the issuance of a warrant for the arrest of a criminal defendant upon application by his surety; and declaring an emergency.

**S.B. 1237** by Santiesteban Criminal Justice  
Relating to the execution of a capias when bond is forfeited; and declaring an emergency.

**S.B. 1238** by Brown Criminal Justice  
Relating to the application of the rule excluding certain persons from hearing testimony in a criminal case to a victim or a close relative of a deceased victim.

- S.B. 1239** by Green Intergovernmental Relations  
Relating to additional compensation for judges of certain supreme judicial districts.
- S.B. 1240** by Anderson Economic Development  
Relating to the payment of wages by employers doing business in this state; providing penalties.
- S.B. 1241** by Anderson Jurisprudence  
Relating to the certification of self-insurance programs for workers' compensation insurance.
- S.B. 1242** by Farabee Criminal Justice  
Relating to the enforcement of certain orders, including an order for child support and for possession of and access to a child, and to the offense of criminal nonsupport.
- S.B. 1243** by Brown Criminal Justice  
Relating to the punishment for the offense of bail jumping and failure to appear.
- S.B. 1244** by Brown Economic Development  
Relating to costs incurred in the defense of certain civil actions brought by prison inmates and the awarding of those costs by the court.
- S.B. 1245** by Brown Intergovernmental Relations  
Relating to hearing officers in counties of 2,000,000 population or more.
- S.B. 1246** by Brown Jurisprudence  
Relating to protecting the privacy of jurors and prospective jurors.
- S.B. 1247** by Sarpalius Education  
Relating to the appraisal of public school teachers.
- S.B. 1248** by Sarpalius, Anderson Natural Resources  
Relating to the payment to dairy farmers by handlers of raw milk.
- S.B. 1249** by Sarpalius Health and Human Services  
Relating to a symbol to be attached to vehicles driven by hearing impaired persons.
- S.B. 1250** by Sarpalius Education  
Relating to school board approval of a change in the boundaries of a school district.
- S.B. 1251** by Sarpalius State Affairs  
Relating to an exclusion from unemployment compensation coverage for farm and ranch labor performed by custom harvesters.
- S.B. 1252** by Sarpalius Natural Resources  
Relating to the right of landowners to lease adjacent state-owned riparian land on the Canadian River in Hutchinson and Roberts counties and providing for hunting thereon and its regulation by the Parks and Wildlife Department, and amending Chapter 31, Natural Resources Code.
- S.B. 1253** by Lyon Finance  
Relating to taxation of wildlife ranches.
- S.B. 1254** by Edwards State Affairs  
Relating to rates for local telephone service and other telecommunications services; amending the Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes), by adding Section 87B.
- S.B. 1255** by Zaffirini, Tejeda Health and Human Services  
Relating to emergency shelter and care for minor mothers who are the sole financial support for their natural children.

- S.B. 1256** by Parker State Affairs  
Relating to the sale of certain state-owned property by the Commissioner of the General Land Office.
- S.B. 1257** by Barrientos Criminal Justice  
Relating to the confinement of inmates in the Texas Department of Corrections who have committed sexual offenses and to the creation of a counseling program for those inmates.
- S.B. 1258** by Edwards State Affairs  
Relating to the creation of an agricultural diversification program to be administered by the commissioner of agriculture.
- S.B. 1259** by Edwards, Sarpalius, Sims State Affairs  
Relating to the creation, duties, and powers of the Texas Agricultural Finance Authority and the development of and issuance of bonds for an agricultural financing program.
- S.B. 1260** by Edwards State Affairs  
Relating to certain traffic offenses committed by certain minors.
- S.B. 1261** by Edwards Health and Human Services  
Relating to fraud, misrepresentation, and other violations of the law in the medical assistance program; providing penalties.
- S.B. 1262** by Barrientos Criminal Justice  
Relating to the appointment of interpreters in criminal cases.
- S.B. 1263** by Barrientos Education  
Relating to the powers and duties of the board of regents, Texas State University System.
- S.B. 1264** by Barrientos State Affairs  
Relating to the conduct of voter registration activities on the premises of certain state agencies.
- S.B. 1265** by Barrientos State Affairs  
Relating to voting by and the cancellation of the voter registrations of persons whose names appear on the lists of returned registration certificates.
- S.B. 1266** by Barrientos State Affairs  
Relating to the delivery of voter registration applications by certain volunteer deputy registrars.
- S.B. 1267** by Uribe State Affairs  
Relating to the establishment and operation of a state lottery; providing penalties.
- S.B. 1268** by Armbrister Intergovernmental Relations  
Relating to the incorporation of cities in areas annexed by a city for limited purposes.
- S.B. 1269** by Armbrister Economic Development  
Relating to the definition of interest in state credit law.
- S.B. 1270** by Armbrister Intergovernmental Relations  
Relating to certain annexations and annexation service requirements.
- S.B. 1271** by Armbrister Intergovernmental Relations  
Relating to limitations on the amount of territory that may be annexed by any city.

**S.B. 1272** by Armbrister Education  
Relating to trust or endowment lands of The University of Texas System.

**S.B. 1273** by Brown Economic Development  
Permitting governmental units to issue obligations to fund self insurance and to enter into contracts in connection therewith and with risk retention groups; and providing an emergency.

**S.B. 1274** by Lyon Jurisprudence  
Relating to the chief justice of the supreme court assigning certain judges for service in other courts.

**S.B. 1275** by Edwards Jurisprudence  
Relating to the requirement that the Industrial Accident Board prepare information concerning the number and causes of employee injuries and deaths occurring each year.

**S.B. 1276** by Edwards Jurisprudence  
Relating to the requirement that an employer or supervisor report a death or injury occurring at a construction site to local law enforcement officials; providing a penalty.

**S.B. 1277** by Edwards Criminal Justice  
Relating to the punishment of corporations or associations convicted of a criminal offense; amending Section 12.51 of the Texas Penal Code.

**S.B. 1278** by Edwards Criminal Justice  
Relating to the dissolution of a corporation by the Attorney General.

**S.B. 1279** by Edwards State Affairs  
Relating to the ability of the State or any political subdivision to take the safety record of the bidder into consideration when evaluating the acceptance of a bid.

**S.B. 1280** by Parmer State Affairs  
Relating to the right of unpaid parental leave for employees of the state of Texas; employment protection and maintenance of benefits for those exercising the right; including prohibition of coercion of those exercising the right; and providing for enforcement.

**S.B. 1281** by Whitmire Health and Human Services  
Relating to the regulation of home health agencies.

**S.B. 1282** by Whitmire, Brooks, Green, Economic Development  
Harris, Henderson, McFarland  
Relating to the authority of the Texas Turnpike Authority to study the feasibility of high speed rail facilities; authorizing payment of the cost thereof out of certain funds of the Texas Turnpike Authority; authorizing the Texas Turnpike Authority to acquire an option on right-of-way; enacting other provisions related to the subject of this legislation; providing for precedence of this Act in the event of any conflict with any other law; and declaring an emergency.

**S.B. 1283** by Parker Education  
Relating to the teacher career ladder and the appraisal process.

**S.B. 1284** by Farabee State Affairs  
Relating to reviews of the planning and construction of nuclear generating plants by the Public Utility Commission of Texas.

**S.B. 1285** by Washington Economic Development  
Relating to creation and operation of excess health insurance pools for AIDS.

- S.B. 1286** by Washington State Affairs  
Relating to ensuring qualified individuals with hearing disabilities the right to serve as chauffeurs of school vehicles used in the transportation of deaf students; amending Subsection (a) of Section 5 of Article 6687b, V.T.C.S.; and declaring an emergency.
- S.B. 1287** by Washington, Brooks, Johnson Jurisprudence  
Relating to discrimination in employment, housing, and public facilities because a person has or is perceived as having AIDS, HIV infection, or AIDS-related complex; providing criminal and civil penalties.
- S.B. 1288** by Washington Jurisprudence  
Relating to the definition of and civil penalties for a false, misleading, or deceptive act or practice.
- S.B. 1289** by Washington Criminal Justice  
Relating to the repeal of the offense of homosexual conduct.
- S.B. 1290** by Barrientos Education  
Relating to the powers and duties of the Board of Regents, Texas State University System and The Board of Regents of The University of Texas System.
- S.B. 1291** by Barrientos Natural Resources  
Relating to the abolition of certain conservation and reclamation districts, including municipal utility districts, that become a part of more than one city.
- S.B. 1292** by Barrientos Finance  
Relating to exempting certain items purchased with food stamps from sales and use taxes.
- S.B. 1293** by Brown State Affairs  
Relating to personnel who may draw blood specimens of driving while intoxicated suspects upon the request or order of a peace officer.
- S.B. 1294** by Brown Criminal Justice  
Relating to the pleading in criminal actions.
- S.B. 1295** by Brown Criminal Justice  
Relating to the admissibility of evidence of the hearsay statements of child abuse victims.
- S.B. 1296** by Brown Criminal Justice  
Relating to the penalty range in cases of driving while intoxicated after two or more convictions.
- S.B. 1297** by Sarpalius, Montford Natural Resources  
Relating to the administration, powers, duties, operation, and financing of the Canadian River Municipal Water Authority.
- S.B. 1298** by Sarpalius State Affairs  
Defining "intoxicated" in terms of alcohol concentration or presence of a controlled substance or drug; relating to liability of persons who take blood samples to obtain evidence of such concentration or presence; relating to obtaining such evidence in autopsies; and relating to participation in pretrial diversion programs of persons convicted of offenses involving such concentration or presence and use of the fact of such participation in assessing penalties after subsequent convictions; amending Subsections (c) and (h) of Section 3, Chapter 434, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 67011-5, Vernon's Texas Civil Statutes); Subsection (b) of Section 19.05, Penal Code, as amended; Article 49.03,

Code of Criminal Procedure, 1965, as amended; and Subsection (a), Section 10, Article 42.12, Code of Criminal Procedure, 1965, as amended.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 22**

On motion of Senator Caperton and by unanimous consent, Senator Lyon will be shown as Co-author of S.J.R. 22.

**CO-AUTHORS OF SENATE BILL 532**

On motion of Senator Caperton and by unanimous consent, Senators Johnson and Zaffirini will be shown as Co-authors of S.B. 532.

**CO-AUTHOR OF SENATE BILL 533**

On motion of Senator Brooks and by unanimous consent, Senator Henderson will be shown as Co-author of S.B. 533.

**CO-AUTHORS OF SENATE BILL 601**

On motion of Senator Santiesteban and by unanimous consent, Senators Barrientos and Uribe will be shown as Co-authors of S.B. 601.

**CO-AUTHOR OF SENATE BILL 702**

On motion of Senator Santiesteban and by unanimous consent, Senator Armbrister will be shown as Co-author of S.B. 702.

**CO-AUTHOR OF SENATE BILL 915**

On motion of Senator Green and by unanimous consent, Senator Whitmire will be shown as Co-author of S.B. 915.

**CO-AUTHOR OF SENATE BILL 1062**

On motion of Senator Brooks and by unanimous consent, Senator Washington will be shown as Co-author of S.B. 1062.

**MESSAGE FROM THE HOUSE**

House Chamber  
March 17, 1987

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**S.C.R. 31**, Urging members of the public and private sectors to review this report on "Latchkey Children in Texas." (Amended)

**H.C.R. 95**, Commending the "Tyler Says No to Drugs" campaign.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**SENATE BILLS ON FIRST READING**

On motion of Senator Brown and by unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

**S.B. 1299** by Brown Education  
Relating to student fees and student governments at institutions of higher education.

- S.B. 1300** by Caperton Criminal Justice  
Relating to the rights of crime victims, the use of the victim impact statement, and reports concerning victim impact statements.
- S.B. 1301** by Caperton State Affairs  
Relating to the optional retirement program and changes necessary to comply with the Tax Reform Act of 1986.
- S.B. 1302** by Caperton Intergovernmental Relations  
Relating to the membership of the Houston County Juvenile Board.
- S.B. 1303** by Caperton State Affairs  
Relating to providing for tax sheltering employee contributions to the Teacher Retirement System with an employer pick up and for qualification of the retirement system under Section 401(a) of the United States Internal Revenue Code.
- S.B. 1304** by Caperton Intergovernmental Relations  
Relating to the composition of the Austin County Juvenile Board.
- S.B. 1305** by Glasgow Economic Development  
Relating to the licensing and regulation of interior designers; providing penalties.
- S.B. 1306** by Glasgow Education  
Relating to the establishment of the Texas Academy of Mathematics and Science for advanced high school students as a division of North Texas State University.
- S.B. 1307** by Parker State Affairs  
Relating to the issuance of bonds for the development of facilities and services related to a superconducting super collider.
- S.B. 1308** by Parker Jurisprudence  
Relating to the membership, powers, and duties of the Commission on Law Enforcement Officer Standards and Education.
- S.B. 1309** by Parker Natural Resources  
Relating to the employment of off-duty peace officers to monitor the taking of shellfish from polluted areas.
- S.B. 1310** by Parker Health and Human Services  
Relating to eligibility standards for indigent health care and to indigent health care in leased county hospitals.
- S.B. 1311** by Parker Finance  
Relating to the appraisal of inventory for purposes of property taxation.
- S.B. 1312** by Montford Health and Human Services  
Relating to the frequency of meetings of the Texas Board of Health.
- S.B. 1313** by Jones State Affairs  
Relating to the exclusion from coverage under the Texas Unemployment Compensation Act of service by certain students employed by summer camps.
- S.B. 1314** by Jones Finance  
Relating to the inspections by the State Property Tax Board of premises for appraisal for school finance.
- S.B. 1315** by Caperton Intergovernmental Relations  
Relating to the creation, organization, administration, and financing of road districts.



**GUESTS PRESENTED**

Senator Truan introduced Ms. Reatha Ricketson of Alice, President of PTA District 16, and Ms. Sandy Garcia, Palito Blanco PTA.

Ms. Ricketson made the yellow silk ribbon roses presented to the Members to wear today.

These guests received a welcome from the Senate.

**GUESTS PRESENTED**

Senator Edwards was recognized and introduced Senator Sarpalius' surgeon, Dr. Carrol Moore.

Dr. Moore, accompanied by Mrs. Moore, was welcomed by the Senate and received an expression of appreciation for the excellent care given to Senator Sarpalius.

**SENATE RESOLUTION 209**

Senator McFarland offered the following resolution:

WHEREAS, On Tuesday, March 17, 1987, St. Patrick's Day will be celebrated throughout the world by all Irishmen, whether they claim the name by descent or by adoption; and

WHEREAS, The Ancient Order of Hibernians, and those friendly to the Ancient Order of Hibernians, and their kith and kin, will commemorate the great saint's feast day with much conviviality; and

WHEREAS, Although the citizens of the country of Ireland will certainly celebrate this merry-making occasion, many there and in other regions of the globe earnestly anticipate the arrival of a lasting peace to such a beautiful country and people; and

WHEREAS, People of all nations, race, color, religion, and demographic settings desire that the tragic conflict in Northern Ireland and the unnecessary waste of both human and natural resources be silenced; and

WHEREAS, In the spirit of Irish lilt, gaiety, and laughter, the Ancient Order of Hibernians will bestow the title of "Honorary Irishmen for the Day" on all Texas Senators; now, therefore, be it

RESOLVED, That the Senators of the State of Texas, 70th Legislature, of Irish descent and those who are Irish by adoption join together as children of the ould sod, true sons of Erin, and duly pay homage to the renowned and beloved St. Patrick on March 17, 1987; and, be it further

RESOLVED, That the Members of the Senate of the 70th Legislature extend best wishes for a festive and spirited celebration of St. Patrick's Day and encourage all Texans to participate in the "wearing of the green" on this special day.

The resolution was read and was adopted viva voce vote.

**GUESTS PRESENTED**

Senator McFarland escorted Mr. Michael O'Shaughnessy to the President's Rostrum.

Mr. O'Shaughnessy introduced members of the Ancient Order of Hibernians and briefly addressed the Senate.

President Pro Tempore Parker presented an enrolled copy of S.R. 209 to Mr. O'Shaughnessy.

**SENATE RESOLUTION 207**

Senator Barrientos offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to recognize and welcome 40 talented young artists from Wooldridge Elementary School in Austin, Texas, and their teacher, Mrs. Jean S. Kimbrough; and

WHEREAS, To encourage young students to have pride in their work, the month of March has been set aside as Youth Art Month; and

WHEREAS, Each of these art students with us today, March 17, 1987, has created a unique piece of art to give to the Texas Senate and to the governor to celebrate this special month; and

WHEREAS, Students in the fourth, fifth, and sixth grades who have participated in bringing their gifts include: Thien Adams, Virginia Alvarez, Damion Barnett, Gilbert Bennett, Latasha Buchanan, Stephanie Burns, Tim Bruner, Jesse Cabello, Dashi Chirag, Feliciano Cleveland, Chris Daniels, Lonnell Davis, Michael DeLeon, and Kathy Dilloway; and

WHEREAS, Also using their talents to share their imaginative creations with the Texas Senate and the governor are: Molly Frohlich, Dominic Garcia, Johnny Garza, Christie Glasgow, Harry Hadlock, Jeff Hobbs, Tamisha Holmes, Theresa Knox, Feven Libonoas, Libby Liles, Walker Lunsford, Don Marshall, Saquinta McGhee, Travis Mims, Erika Montemayor, Christy Moore, Krystal D. Morgan, Aaron Newman, Vicente Ornelas, Brad Payne, Rahim Prasala, Callie Purdy, Erika Ramirez, Heather Smith, Andre Watson, Wade Watson, and Nicole Westbrook; and

WHEREAS, Countless Texans will enjoy the creativity and vision of these budding young artists both now and in the future; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 70th Legislature, commend and applaud all of these art students from Wooldridge Elementary School and their teacher, Jean S. Kimbrough, for sharing their talents; and, be it further

RESOLVED, That copies of this resolution be prepared for the Wooldridge Elementary School art students and their teacher, Mrs. Jean S. Kimbrough, as an expression of deep appreciation from the Texas Senate and as a memento of this special day.

The resolution was read and was adopted viva voce vote.

**GUESTS PRESENTED**

Senator Barrientos introduced these young artists, seated in the gallery, to the Senate and accompanied Mrs. Nan Clayton, President of the Austin Independent School District Board, to the President's Rostrum.

President Pro Tempore Parker presented an enrolled copy of S.R. 207 to Mrs. Clayton.

**SENATE RESOLUTION 212**

Senator Santiesteban, on behalf of Senator Sarpalius, offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to welcome a distinguished visitor from the North, Canadian Eric Phillips, and his friend, Jay Gravink, to the Capitol Building today, March 17, 1987; and

WHEREAS, A native of Vancouver, British Columbia, Mr. Phillips is a valued employee of the Forestry Research Institute of Canada; and

WHEREAS, Brother of Wayne Phillips, a participant in the Canadian Wheelchair Sport's Association 10 kilometre championship, Mr. Phillips is visiting Texas to rally encouragement and public support for his brother; a former bicyclist

in the Race Across America, Wayne was critically injured in a hit and run accident near Tucumcari, New Mexico, on July 25, 1985, and loyal friends and family members have established a trust fund for this outstanding young man; and

WHEREAS, During his visit to the Capital City, Mr. Phillips is sure to enjoy Texas hospitality and openheartedness; a highlight of the visit will be watching Jay Gravink perform at the Waller Creek Plaza; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 70th Legislature, hereby extend sincere best wishes to Eric Phillips for a successful visit to the Lone Star State; and, be it further

RESOLVED, That Eric Phillips hereby be declared an Honorary Texan with all attendant pomp and ceremony; and, be it further

RESOLVED, That a copy of this resolution be prepared for him as an expression of highest regard and esteem from the Texas Senate.

The resolution was read and was adopted viva voce vote.

#### **GUESTS PRESENTED**

Senator Santiesteban escorted Mr. Phillips and Mr. Gravink to the President's Rostrum.

President Pro Tempore Parker presented an enrolled copy of S.R. 212 to Mr. Phillips.

#### **RESOLUTIONS SIGNED**

The President Pro Tempore Parker announced the signing in the presence of the Senate the following enrolled resolutions:

H.C.R. 5  
H.C.R. 6  
H.C.R. 7  
H.C.R. 38  
H.C.R. 55  
H.C.R. 59  
H.C.R. 60  
H.C.R. 65  
H.C.R. 67  
H.C.R. 68  
H.C.R. 70

#### **SENATE BILL 892 ORDERED NOT PRINTED**

On motion of Senator Farabee and by unanimous consent, S.B. 892 was ordered not printed.

#### **SENATE BILL 895 ORDERED NOT PRINTED**

On motion of Senator Farabee and by unanimous consent, S.B. 895 was ordered not printed.

#### **SENATE BILL 888 ORDERED NOT PRINTED**

On motion of Senator Farabee and by unanimous consent, S.B. 888 was ordered not printed.

#### **SENATE BILL 894 ORDERED NOT PRINTED**

On motion of Senator Farabee and by unanimous consent, S.B. 894 was ordered not printed.

**SENATE BILL 896 ORDERED NOT PRINTED**

On motion of Senator Farabee and by unanimous consent, S.B. 896 was ordered not printed.

**SENATE BILL 731 REREFERRED**

On motion of Senator Farabee and by unanimous consent, S.B. 731 was withdrawn from the Committee on Natural Resources and rereferred to the Committee on State Affairs.

**SENATE BILL 251 WITH HOUSE AMENDMENTS**

Senator Farabee called S.B. 251 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

**Committee Amendment - Ceverha**

Amend S.B. 251 by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Title 108, Revised Statutes, is amended by adding Article 6166g-2 to read as follows:

Art. 6166g-2. CONTRACTS WITH PRIVATE CORRECTIONAL FACILITIES

Sec. 1. (a) The Texas Board of Corrections may contract with private vendors or with commissioners courts of counties for the financing, construction, operation, maintenance, or management of secure correctional facilities.

(b) A facility authorized by this article must be designed, constructed, operated, and maintained to:

(1) except as provided by Subsection (d) of this section, hold not more than an average daily population of 500 inmates;

(2) comply with federal constitutional standards and applicable court orders; and

(3) receive and retain, as an individual facility, accreditation from the American Correctional Association.

(c) A facility authorized by this article may be located on private land or on land owned by the state or a political subdivision of the state. The Texas Board of Corrections may accept land donated for that purpose.

(d) The population requirements imposed by Subsection (b)(1) of this section do not apply to a facility that is under construction or completed before the effective date of this article.

Sec. 2. The Texas Department of Corrections may confine only minimum or medium security inmates in a facility authorized by this article. An inmate confined in a facility authorized by this article remains in the legal custody of the Texas Department of Corrections.

Sec. 3. (a) The Texas Board of Corrections may not award a contract under this article unless the board requests proposals and receives a proposal that meets or exceeds, in addition to requirements specified in the request for proposals, the requirements specified in Subsections (b), (c), and (d) of this section.

(b) A party proposing to enter a contract with the Texas Board of Corrections under this article must demonstrate:

(1) the qualifications and the operations and management experience to carry out the terms of the contract; and

(2) the ability to comply with the standards of the American Correctional Association and with specific court orders.

(c) In addition to meeting the requirements specified in the requests for proposals, a proposal is not acceptable unless it:

(1) provides for regular, on-site monitoring by the Texas Department of Corrections;

(2) acknowledges that payment by the state is subject to the availability of appropriations;

(3) provides for payment of a maximum amount per biennium;

(4) offers a level and quality of programs at least equal to those provided by state-operated facilities that house similar types of inmates and at a cost that provides the state with a savings of not less than 10 percent of the cost of housing inmates in similar facilities and providing similar programs to those types of inmates in state-operated facilities, as determined by the Legislative Budget Board;

(5) permits the state to terminate the contract for cause, including as cause the failure of the private vendor or county to meet the conditions required by this article and other conditions required by the contract;

(6) provides that cost adjustments may be made only once each biennium, to take effect at the beginning of the next biennium;

(7) is for an initial contract term of not more than three years, with an option to renew for additional periods of two years;

(8) if the proposal includes construction of a facility, contains a performance bond approved by the Texas Board of Corrections that is adequate and appropriate for the proposed contract;

(9) provides for assumption of liability by the private vendor or county for all claims arising from the services performed under the contract by the private vendor or county;

(10) provides for an adequate plan of insurance for the private vendor or county and its officers, guards, employees, and agents against all claims, including claims based on violations of civil rights, arising from the services performed under the contract by the private vendor or county;

(11) provides for an adequate plan of insurance to protect the state against all claims arising from the services performed under the contract by the private vendor or county and to protect the state from actions by a third party against the private vendor or county, its officers, guards, employees, and agents as a result of the contract;

(12) provides plans for the purchase and assumption of operations by the state in the event of the bankruptcy of the private vendor or inability of the county to perform its duties under the contract; and

(13) contains comprehensive standards for conditions of confinement.

(d) Before the commissioners court of a county proposes to enter into a contract under this article, the commissioners court of the county must receive the written approval of the sheriff of the county. A correctional facility provided by a county under this article is subject to the same standards and requirements as a correctional facility provided by a private vendor.

(e) A private vendor or county operating under a contract authorized by this article may not:

(1) calculate inmate release and parole eligibility dates;

(2) award good conduct time;

(3) approve inmates for work, medical, or temporary furloughs or for preparole transfers; or

(4) classify inmates or place inmates in less restrictive custody than the custody ordered by the department.

(f) In determining costs and cost savings under Subsection (c)(4) of this section, the Legislative Budget Board may consider any factor it determines is relevant, including additional costs to the state for providing the same service as a

private vendor or county, indirect costs properly allocable to either the state or the private vendor or county, and continuing costs to the state directly associated with the contract.

Sec. 4. A private vendor operating under a contract authorized by this article is not entitled to claim sovereign immunity in a suit arising from the services performed under the contract by the private vendor or county. This section does not deprive the private vendor or the state of the benefit of any law limiting exposure to liability, setting a limit on damages, or establishing defenses to liability.

Sec. 5. The Texas Board of Corrections may not convert a facility into a correctional facility operated by a private vendor or by a county if, before the effective date of this article, the facility is:

- (1) operated as a correctional facility by the board; or
- (2) being constructed by the board for use as a correctional facility.

Sec. 6. (a) If a contract is entered into under this article, the Sunset Advisory Commission shall deliver a report required by this section to the regular session of the 72nd Legislature in January 1991. The report must contain an analysis of the cost to the state for services provided under the contract and an analysis of the quality of services provided under the contract and must compare the cost and quality of services provided under the contract with the cost and quality of similar services provided by the state. The report must specifically state whether the services provided under the contract are superior, essentially equal, or inferior to similar services provided by the state, if the state provides those services.

(b) In making the report required by this section, the Sunset Advisory Commission shall consider, in addition to considering other factors it determines are significant, the following:

- (1) the type of inmates in the facility;
  - (2) whether the facility meets professional standards required by this article;
  - (3) the extent to which the vendor or county complies with the terms of the contract;
  - (4) the extent to which the private vendor or county complies with the terms of this article;
  - (5) the level of training provided to the staff of the facility;
  - (6) the number and nature of inmate complaints against the staff of the facility;
  - (7) the number of escapes and attempted escapes from the facility; and
  - (8) the wages and benefits provided to the staff of the facility in comparison to wages and benefits provided to state employees performing comparable tasks.
- (c) The Sunset Advisory Commission may exercise all powers granted to the commission for the performance of its statutory duties in preparing a report required by this section.

(d) This section expires September 1, 1991.

SECTION 2. Section 1, Chapter 21, Acts of the 55th Legislature, Regular Session, 1957 (Article 6184m, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. It shall be unlawful for any person to furnish, attempt to furnish, or assist in furnishing to any inmate of a city or county jail or of the Texas Department of Corrections any alcoholic beverage, controlled substance, or dangerous drug except from the prescription of a physician. It shall also be unlawful for any person to take, attempt to take, or assist in taking any of the aforementioned articles into a city or county jail, into a correctional facility authorized by Article 5115d, Revised Statutes, or Article 6166g-2, Revised Statutes, or into the confines of property belonging to the Texas Department of Corrections which is occupied or used by prisoners except for delivery to a jail, correctional facility, or prison warehouse or pharmacy or to a physician.

SECTION 3. Section 22.02(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person commits assault as defined in Section 22.01 of this code and the person:

(1) causes serious bodily injury to another, including the person's spouse;

(2) threatens with a deadly weapon or causes bodily injury to a peace officer or a jailer or guard employed at a municipal or county jail, [or] by the Texas Department of Corrections, or by a correctional facility authorized by Article 5115d, Revised Statutes, or Article 6166g-2, Revised Statutes, when the person knows or has been informed the person assaulted is a peace officer, jailer, or guard:

(A) while the peace officer, jailer, or guard is lawfully discharging an official duty; or

(B) in retaliation for or on account of an exercise of official power or performance of an official duty as a peace officer, jailer, or guard; or

(3) causes bodily injury to a participant in a court proceeding when the person knows or has been informed the person assaulted is a participant in a court proceeding:

(A) while the injured person is lawfully discharging an official duty; or

(B) in retaliation for or on account of the injured person's having exercised an official power or performed an official duty as a participant in a court proceeding; or

(4) uses a deadly weapon.

SECTION 4. Section 22.03(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if, with a deadly weapon, he intentionally or knowingly causes serious bodily injury:

(1) to a peace officer or a jailer or guard employed at a municipal or county jail, [or] by the Texas Department of Corrections, or by a correctional facility authorized by Article 5115d, Revised Statutes, or Article 6166g-2, Revised Statutes, where he knows or has been informed the person assaulted is a peace officer, jailer, or guard:

(A) while the peace officer, jailer, or guard is acting in the lawful discharge of an official duty; or

(B) in retaliation for or on account of an exercise of official power or performance of an official duty as a peace officer, jailer, or guard; or

(2) to a participant in a court proceeding when he knows or has been informed that the person assaulted is a participant in a court proceeding:

(A) while the injured person is in the lawful discharge of official duty; or

(B) in retaliation for or on account of the injured person's having exercised an official power or performed an official duty as a participant in a court proceeding.

SECTION 5. Section 39.021(a), Penal Code, is amended to read as follows:

(a) A jailer or guard employed at a municipal or county jail, [or] by the Texas Department of Corrections, or by a correctional facility authorized by Article 5115d, Revised Statutes, or Article 6166g-2, Revised Statutes, or a peace officer commits an offense if he:

(1) intentionally subjects a person in custody to bodily injury knowing his conduct is unlawful;

(2) willfully denies or impedes a person in custody in the exercise or enjoyment of any right, privilege, or immunity knowing his conduct is unlawful.

SECTION 6. Article 5115d, Revised Statutes, is amended by adding Subsections (c)-(h) to read as follows:

(c) The commissioners court of a county may contract with a private vendor to provide for the financing, design, construction, leasing, operation, purchase, maintenance, or management of a jail, detention center, work camp, or related facility.

(d) The commissioners court of a county must consult with and receive the written approval of the sheriff of the county before contracting with a vendor for the operation, maintenance, or management of a facility described by Subsection (c) of this article.

(e) A contract entered into under this article must:

(1) require the private vendor to operate the facility in compliance with minimum standards of construction, equipment, maintenance, and operation of jails promulgated by the Commission on Jail Standards and receive and retain a certification of compliance from the commission;

(2) provide for regular, on-site monitoring by the sheriff;

(3) if the contract includes construction, contain a performance bond approved by the commissioners court that is adequate and appropriate for the proposed contract;

(4) provide for assumption of liability by the private vendor for all claims arising from the services performed under the contract by the private vendor;

(5) provide for an adequate plan of insurance for the private vendor and its officers, guards, employees, and agents against all claims, including claims based on violations of civil rights, arising from the services performed under the contract by the private vendor;

(6) provide for a plan for the purchase and assumption of operations by the county in the event of the bankruptcy of the private vendor;

(7) provide for an adequate plan of insurance to protect the county against all claims arising from the services performed under the contract by the private vendor and to protect the county from actions by a third party against the private vendor, its officers, guards, employees, and agents as a result of the contract; and

(8) contain comprehensive standards for conditions of confinement.

(f) A private vendor operating under a contract authorized by this article is not entitled to claim sovereign immunity in a suit arising from the services performed under the contract by the private vendor. However, nothing herein is intended to deprive the private vendor or the county of any benefits of any law limiting exposure to liability, setting a limit on damages, or establishing defenses to liability.

(g) A facility authorized by this article must be designed, constructed, operated, and maintained to hold not more than an average daily population of 500 inmates. The population requirement imposed by this subsection does not apply to a facility that is under construction or completed before the effective date of this subsection.

(h) The commissioner's court of a county may not convert a facility into a correctional facility operated by a private vendor if, before the effective date of this article, the facility is:

(1) operated as a correctional facility by the county; or

(2) being constructed by the county for use as a correctional facility.

SECTION 7. Article 42.18, Code of Criminal Procedure, as added by Chapter 427, Acts of the 69th Legislature, Regular Session, 1985, is amended by adding Section 35 to read as follows:

Sec. 35. The Board of Pardons and Paroles and the Texas Department of Corrections are authorized to enter into interagency contracts for the placement of offenders in secure correctional facilities authorized by Article 6166g-2, Revised Statutes.



SECTION 8. Article I, General Appropriations Act for Fiscal Year 1987 (Chapter 13, Acts of the 69th Legislature, 3rd Called Session, 1986) is amended by adding to the Department of Corrections at p. 1-67 the following:

49. The Texas Board of Corrections is authorized to contract with private vendors or commissioners courts of counties for the financing, construction, operation, maintenance, or management of secure correctional facilities to house no more than 2,000 inmates. In determining the mission of each facility, the board shall consider requiring any vendor to provide prerelease programming, including employment counseling, drug and alcohol counseling, and family counseling.

SECTION 9. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

**Floor Amendment No. 1 - Hackney**

Amend C.S.S.B. 251 in the following manner:

1. On page 1, line 13, strike "authorized by this article must be designed, constructed, operated, and maintained to:" and in its place insert "operated, maintained and managed under this article by a private vendor or county must:"
2. On page 10, line 3, change "(c)-(h)" to read "(c)-(i)".
3. On page 11, line 23, strike everything from "The population" through line 26.
4. On page 12, line 6, add a subsection "(i)" to read as follows:

(i) The requirements imposed by subsection (e) and subsection (g) of this section do not apply to a facility that is under construction or completed before the effective date of this section.

**Floor Amendment No. 2 - Staniswalis**

Amend C.S.S.B. 251 on page 6, line 7, by inserting the following after the period:

If the commission determines that changes in law are necessary to improve the manner in which the Texas Board of Corrections enters into contracts for the financing, construction, operation, maintenance, or management of secure correctional facilities, the commission shall recommend to the legislature that those changes be made.

The amendments were read.

Senator Farabee moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President Pro Tempore asked if there were any motions to instruct the Conference Committee on S.B. 251 before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate on the bill: Senators Farabee, Chairman; McFarland, Caperton, Montford and Armbrister.

**COMMITTEE SUBSTITUTE SENATE BILL 103  
ON SECOND READING**

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 103**, Relating to the authority of a municipality to control false security alarms.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 103  
ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 103** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Sarpalius.

The bill was read third time and was passed viva voce vote.

**SENATE BILL 82 ON SECOND READING**

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 82**, Relating to the authority of a peace officer to make warrantless arrests outside his jurisdiction and to his duties after making the arrest.

The bill was read second time.

Senator Green offered the following amendment to the bill:

Amend **S.B. 82** by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Article 14.03, Code of Criminal Procedure, is amended by adding Subsection (c) to read as follows:

(c) A peace officer who is outside his jurisdiction may arrest, without warrant, a person who commits an offense within the officer's presence or view, if the offense is a felony or a violation of Title 9, Chapter 42, Penal Code. A peace officer making an arrest under this subsection shall, as soon as practicable after making the arrest, notify a law enforcement agency having jurisdiction where the arrest was made. The law enforcement agency shall then take custody of the person committing the offense and take the person before a magistrate in compliance with Article 14.06 of this code.

SECTION 2. Subdivision (1), Section 1, Article 8309g, Revised Statutes, is amended to read as follows:

(1) "Employee" means a person who is:

(A) in the service of the state pursuant to election, appointment, or an express contract of hire, oral or written;

(B) ~~[; The term includes a person who is]~~ paid from state funds but whose duties require they work and frequently receive supervision in a political subdivision of the state; or

(C) a peace officer employed by a political subdivision, while that peace officer is exercising authority granted under Article 14.03(c), Code of Criminal Procedure.

SECTION 3. This Act takes effect September 1, 1987.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted viva voce vote.

On motion of Senator Green and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

#### RECORD OF VOTE

Senator Washington asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### SENATE BILL 82 ON THIRD READING

Senator Green moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 82 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Green, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Harris, Washington.

Absent-excused: Glasgow, Sarpalius.

The bill was read third time and was passed viva voce vote.

#### RECORD OF VOTES

Senators Harris and Washington asked to be recorded as voting "Nay" on the final passage of the bill.

#### COMMITTEE SUBSTITUTE SENATE BILL 20 ON SECOND READING

On motion of Senator Sims, on behalf of Senator Sarpalius, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 20, Relating to the disposition of estrays and to certain fence and range restrictions.

The bill was read second time and was passed to engrossment viva voce vote.

#### COMMITTEE SUBSTITUTE SENATE BILL 20 ON THIRD READING

Senator Sims, on behalf of Senator Sarpalius, moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 20 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Sarpalius.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, Sarpalius.

#### SENATE BILL 545 ON SECOND READING

Senator Uribe asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**S.B. 545**, Relating to the use of certain tools by agricultural laborers in commercial farming operations.

There was objection.

Senator Uribe then moved to suspend the regular order of business and take up **S.B. 545** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Caperton, Edwards, Farabee, Green, Harris, Henderson, Johnson, Jones, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Brown, Krier, Leedom, Sims.

Absent-excused: Glasgow, Sarpalius.

The bill was read second time.

Senator Uribe offered the following amendment to the bill:

Amend **S.B. 545**, line 30, by adding between the words "harvesting" and "to use" the words "and/or transplanting".

The amendment was read and was adopted viva voce vote.

On motion of Senator Uribe and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

#### RECORD OF VOTES

Senators Brown and Sims asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### SENATE BILL 545 ON THIRD READING

Senator Uribe moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 545** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Caperton, Edwards, Farabee, Green, Harris, Henderson, Johnson, Jones, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Brown, Krier, Sims, Washington.

Absent-excused: Glasgow, Sarpalius.

The bill was read third time and was passed viva voce vote.

#### RECORD OF VOTES

Senators Brown and Sims asked to be recorded as voting "Nay" on the final passage of the bill.

#### SENATE BILL 525 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 525**, Relating to fees imposed on physical therapists by the Texas Board of Physical Therapy Examiners.

The bill was read second time.

Senator Farabee, on behalf of Senator Sarpalius, offered the following amendment to the bill:

Amend **S.B. 525** by adding Section 2, to read as follows, and renumbering all successive sections:

SECTION 2. Subsection (b), Section 11, Chapter 836, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 4512e, Vernon's Texas Civil Statutes) is amended to read as follows:

"(b) The board shall issue a temporary license to a person who has applied for a license, and meets the qualifications prescribed by Sections 8 and 9 of this Act, and has paid a fee prescribed by the board for a physical therapist temporary license or a physical therapist assistant temporary license. This license expires on completion of scoring of the next administered examination whether the applicant passes the examination or not. Issuance of a temporary license following failure of part or all of the examination shall be according to rules adopted by the board."

The amendment was read and was adopted viva voce vote.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

#### SENATE BILL 525 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 525** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Sarpalius.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, Sarpalius.

**SENATE BILL 359 ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 359**, Relating to the provision of a defense by a municipality or a special purpose district in certain suits against peace officers, fire fighters, or emergency medical personnel.

The bill was read second time and was passed to engrossment viva voce vote.

**SENATE BILL 359 ON THIRD READING**

Senator Armbrister moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 359** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Sarpalius.

The bill was read third time and was passed viva voce vote.

**CONGRATULATORY RESOLUTIONS**

**H.C.R. 28** - (Glasgow): Honoring Bill Kloster, manager of the Dr. Pepper bottling plant in Dublin.

**H.C.R. 47** - (Tejeda): Extending congratulations to Colonel Ralph Rohatsch, Jr., U.S. Air Force.

**H.C.R. 95** - (Lyon): Commending the "Tyler Says No to Drugs" campaign.

**S.R. 190** - By Armbrister: Recognizing March 17, 1987, as PTA Day in Texas.

**S.R. 213** - By Barrientos: Extending congratulations to the Reverend Silas Leonard Davis on his birthday.

**S.R. 214** - By Lyon: Commending the City of Tyler for its stand in the fight against drug abuse.

**ADJOURNMENT**

On motion of Senator Brooks, the Senate at 12:01 p.m. adjourned until 11:00 a.m. tomorrow.

**APPENDIX**

Signed by Governor  
(March 17, 1987)

**S.C.R. 25**  
**S.C.R. 35**  
**S.C.R. 10**  
**H.C.R. 70**  
**H.C.R. 68**  
**H.C.R. 67**  
**H.C.R. 65**  
**H.C.R. 60**  
**H.C.R. 59**

H.C.R. 55

H.C.R. 38

H.C.R. 7

H.C.R. 6

H.C.R. 5

**THIRTY-FIRST DAY**  
(Wednesday, March 18, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brown, Caperton, Edwards, Farabee, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Brooks, Glasgow, Sarpalius.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Heavenly Father, as we prepare for the business of the day, we pray for each one as he or she contributes their individual talents and knowledge toward the making of government. May this 65th day of the 70th Session be recorded as a day of progress in the history of our State. With Your blessing, Father, it will be. Amen.

On motion of Senator Harris and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVES OF ABSENCE**

Senator Brooks was granted leave of absence for today on account of important business on motion of Senator Harris.

Senator Sarpalius was granted leave of absence for today on account of illness on motion of Senator Harris.

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Harris.

**REPORTS OF STANDING COMMITTEES**

Senator Caperton submitted the following report for the Committee on Jurisprudence:

H.B. 288

S.B. 476

S.B. 474

S.B. 191

S.B. 439 (Amended)